

OVERVIEW of the Daf

1) Touching wine without intent for libation (cont.)

A second version of R' Pappa's ruling concerning an idolater who used his hand to plug a hole in a cask is presented.

R' Yeimar asserts that this ruling is subject to a Tannaitic dispute.

Two additional rulings of R' Pappa related to an idolater possibly rendering wine nessesch wine are recorded.

R' Ashi disagrees with R' Pappa's second ruling.

2) Grapes pressed with a beam

R' Pappi and R' Ashi or R' Shimi bar Ashi disagree whether wine produced by an idolater using a winepress is prohibited.

The Gemara presents two versions of the exact point of dispute in this matter.

An incident occurred involving כה כחר and R' Yaakov of Nehar Pekod declared the wine prohibited.

3) Indirect contact

Two incidents involving indirect contact are presented and explained.

4) MISHNAH: The Mishnah begins with a case in which there is a concern that an idolater may have touched wine. The next discussion revolves around the issue of an idolater touching wine with an intent other than for libation.

5) An idolatrous lender

Shmuel asserts that the Mishnah's ruling that if the idolater is owed money by the Jew the wine is prohibited is limited to where the idolater has a lien on that wine.

R' Ashi successfully finds support for this qualification in the next Mishnah.

6) Clarifying the Mishnah

R' Pappa qualifies the Mishnah's ruling regarding an idolater who fell into a wine cistern.

R' Ada bar Ahava declares blessing for R' Shimon because when he rules wine is permitted he permits it even for consumption and when he prohibits it, it is prohibited even for benefit.

According to one version the halacha is decided in accordance with R' Shimon whereas according to a second version the halacha is decided not in accordance with R'

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Distinctive INSIGHT

Holding the cracked barrel in place

הווא חביתא דאפקעא לאורכה אידרי הווא עובד כוכבים חבקה שרייה רפרם בר פפא ואי תימא רב הונא בריה דרב יהושע לזבונן לעכו"ס והני מילי דפקעה לאורכה, אבל לפותייה בשתיה שרי

The Gemara tells the story of a barrel of wine which was cracking. As the barrel stood on its footing with the opening facing up, the crack appeared from top to bottom, so that the two halves of the barrel were about to fall apart. An idolater who saw this happening jumped up and grabbed the barrel, hugging it with his arms to make sure that it did not burst apart, until others were able to bring other containers to hold the wine in the broken barrel. Rafram bar Pappa, and other say it was R' Huna b. R' Yehoshua, ruled that the wine could be sold to an idolater, i.e. it was prohibited for drinking, but it was permitted for benefit. The reasoning behind this ruling is that the idolater did not touch the wine directly, and he did not splash it with a stick. He merely came in contact with it indirectly.

The Gemara clarifies that this halacha only applies if the barrel was cracked from top to bottom, as we described. However, if the crack was along its width, the wine would have been permitted even to drink. The reason given is that the contribution of the idolater to saving the wine is negligible. In the words of the Gemara, in this case "the idolater is doing the job of a brick." Rashba explains the difference. If the crack was from top to bottom, the idolater is critical in keeping the barrel together and keeping the wine from flowing out. This is essentially a form of direct contact with the wine. However, when the crack is along the barrel's width, the wine would not flow out, but only drip through the crack. When the idolater exerts pressure to tighten the crack, he is simply putting weight on the barrel, as would be done by a brick. The idolater is not moving or stirring the wine at all, and it would be permitted to even drink.

Tosafos Ri"ד explains that when the barrel cracks along its height, the idolater must hold it tightly and press the pieces together so that the wine will not spill out. We consider this as if the idolater is holding all the wine, so it is prohibited for drinking. When the crack is along the barrel's width, all that has to be done is to keep the top close to the bottom. The bottom of the barrel is already remaining in place on its own, and holding the top in place firmly is only performing the function of a brick. The wine itself is not seen as being held in place with his assistance, and it is therefore permitted for drinking. ■

HALACHAH Highlight

Pouring out water after a gentile dies

The Mishnah's [lenient] teaching applies only when he emerges dead

Shulchan Aruch¹ mentions the custom to pour out any drawn water that is in the “neighborhood” of a corpse. Shach² gives two reasons for the practice. One is that pouring out the water is a means of communicating that someone died without have to share the news verbally. The second reason is that the Angel of Death leaves behind dangerous droplets in the water that could kill a person if he were to drink them.

Poskim discuss whether it is necessary to pour out water upon the death of a gentile. Birkei Yosef³ writes that there was once an incident in which a gentile maidservant died and the people reported that their custom was not to pour out the water. Birkei Yosef disagreed and ruled that the water must be poured out. Although the first reason mentioned in Shach does not apply since there is no necessity to inform anyone about the death of a gentile, the second reason applies and therefore the water should be poured out. Later he⁴ raises the question whether one must pour out the water if a gentile neighbor dies in his own home and even in this case his tendency is that it is necessary and even if the matter is not certain one should be cautious based on the principle חמירה סכנתא מאיסורא – we treat matters of danger more stringently than matters of prohibition.

STORIES Off the Daf

Lishmah

”כי פליגי בכח כחו”

The Maharsham, zt”l, forbade the use of machine-made matzos at the seder. “This is an old question. Those who forbade had various proofs. Perhaps the most obvious question in this regard is how this could be lishmah if a person is not making the matzos? After all, according to many Rishonim, lishmah means kneading the dough lishmah. Those who permit hold that since the machine begins to work with the כח of a person it

is considered as if he himself kneads the dough lishmah. But the issue of how we view כח כחו is very complex as we find regarding the halachos of יין נסך in Avodah Zarah and the Shulchan Aruch...”¹

Interestingly, although the Chazon Ish, zt”l, himself rules that making something by machine does have the halachah of lishmah, when he heard that someone wished to use machine matzos, he wrote this person that it is questionable whether such matzos discharge one’s obligation on the night of Pesach.

When Rav Karp, shlit”a, asked Rav Chaim Kanievsky, shlit”a, about this apparent discrepancy, he replied,

“Although the Chazon Ish writes that it is permitted, my father, the Steipler would say that we must not rely on this. In practical terms, the Chazon Ish never relied on this, nor was he happy to hear of others who relied on it in any matter.”²

But Rav Shlomo Zalman Auerbach, zt”l, permitted using machine matzos. “I remember once when many who baked hand matzos were not sufficiently careful with the halachos, that the greatest rabbanim of Eretz Yisrael wanted to ban the use of hand matzos altogether...”³

1. שו”ת מהרש”ם, ח”ב, סי ט”ז
2. הלכות חג בחג, פסח, ע”י שלי”ז
3. הלכות שלמה, פסח, ע”י קני”ח ■

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Shimon.

R’ Ashi teaches that any type of contact of an idolater with an object that a zav would make tamei makes wine prohibited and any type of contact of an idolater with an object that a zav would not make tamei does not make wine prohibited.

This ruling is unsuccessfully challenged. ■

Teshuvos Meishiv Devarim⁵ disagrees with Birkei Yosef’s assertion that there is a concern for leftover drops of the Angel of Death even when the deceased is a gentile and cites our Gemara as proof to his position. The Gemara teaches that if an idolater falls into a cask of wine and dies the wine is not prohibited as nesech wine. Shach⁶ writes that the wine is permitted even for consumption. If the Angel of Death leaves behind droplets when he kills a gentile the wine should be prohibited for consumption out of concern for danger. Even though Shulchan Aruch only requires pouring out water and not wine, in the case where the gentile died in the wine we would certainly expect that droplets of the Angel of Death would be there. The fact that the wine is permitted is proof that there is no concern for leftover droplets from the Angel of Death when a gentile dies. ■

1. שו”ע יו”ד סי שלי”ט סעי ה’.
2. ש”ך שם סק”ט.
3. ברכי יוסף שם סק”ז.
4. ברכי יוסף שם סק”ח.
5. שו”ת משיב דברים ח”ב יו”ד סי רי”א.
6. ש”ך יו”ד סי כ”ד ס”ק נ”ה. ■